Chapter 1—Introduction

Section 1000 Overview

Section 1100 Definitions

Section 1200 Abbreviations

Section 1300 Source Documents

Section 1400 Federal Documents Applicable to Family Planning Agencies

Section 1500 State Documents Applicable to Family Planning Programs

Section 1000 Overview

Purpose The purpose of this manual is to summarize, or call attention to, all federal

and state statutes, regulations, policies, and guidelines which include a requirement applicable to local agency family planning staff. Statutes and

regulations that apply specifically to family planning have been

summarized in detail. The critical portions of some lengthy federal and state regulations with a scope much broader than family planning agencies may be summarized. Other lengthy federal and state statutes and regulations which affect the operations of local family planning agencies may only be referred to, where appropriate, in Related

References at the end of policy statements. Suggested or recommended actions are important for quality assurance.

Definitions Definitions of the meaning of "shall," "must," "may," and other important

words and phrases are provided in Section 1100.

Procedures Required procedures follow the policy(ies) they are meant to implement.

Organization of Manual As much as possible, the contents of the manual are organized to parallel

the functional distribution of tasks in the typical local family planning

agency.

Abbreviations Commonly used abbreviations are used throughout the manual. Section

1200 lists these commonly used abbreviations, as well as some less frequently used abbreviations which are used in the source documents. The writers of this manual have tried to avoid using uncommon acronyms

and abbreviations, and terms that need definition.

Review and Approval

Process

Policies on clinical issues promulgated by Family Planning and Reproductive Health (FPRH) have been reviewed by clinical staff from local agencies. Broad administrative policies issued by FPRH have been reviewed by administrative or fiscal staff in local agencies. Where applicable, procedures defined by FPRH staff have been reviewed by the

Family Planning Provider Task Force.

Questions Questions about interpretations of the manual should be directed to FPRH

staff at the address or telephone number given on the back side of the

cover page of the manual.

Revisions Subsequent manual revisions will be sent to executive directors and

program coordinators for distribution to manual holders. Each revision will be assigned a number which identifies the year of the revision and number of the revision. For example, number 04-01 would be revision number 1 issued in the year 2004. As revised pages are inserted in the manual they

should be noted on the Revision Log.

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FPRH Manual Revised 04 (1) Page 1 of 1

Section 1100 Definitions

Shall & must "Shall" and "must" indicate mandatory program policy.

Should "Should" indicates <u>recommended</u> program policy relating to components

of family planning and project management that the service provider is

urged to use. Recommendations have been kept to a minimum.

Can & may "Can" and "may" indicate options, suggestions, and alternatives for

consideration by individual agencies. These have been kept to a

minimum.

Contractor "Contractor" means the entity providing family planning services under a

contract with the Department of Health.

Delegate agency "Delegate agency" means the agency receiving federal funds from a

grantee. Agencies receiving funds from a delegate agency are called

sub-contractors.

Grantee "Grantee" means the Department of Health Family Planning and

Reproductive Health Program, which receives Title X federal funds which

are passed on to delegate agencies.

Manual "Manual" means this collection of policies and procedures written for the

use of local family planning agencies.

Program consultant FPRH staff who are assigned to work with specific local agencies are

called program consultants, site consultants, and health services

consultants.

Program Guidelines "Program Guidelines" means Program Guidelines for Project Grants for

Family Planning Services, the basic document which summarizes

regulations and guidelines for Title X projects.

RCW "RCW" means Revised Code of Washington. These are the laws of the

state passed by the state legislature.

Related references "Related references" means other documents with information of

potential importance in interpreting or implementing the policy.

Title X Project "Title X Project" means services funded by Title X federal funds plus

grant-generated income.

WAC "WAC" means Washington Administrative Code. These are regulations

written by state agencies to implement the RCWs.

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Chapter 2

Section 1200 Abbreviations

The following abbreviations appear in this manual and in source

documents.

<u>Abbreviation</u> <u>Explanation</u>

AGI Alan Guttmacher Institute

AICPA Association of Independent Certified Public Accountants

ARNP Advanced Registered Nurse Practitioner

ASSET Association for Sexuality Education and Training

BARS Budgeting, Accounting, Reporting System

BCHS Bureau of Community Health Services

CAH Children and Adolescent Health

CDCP Centers for Disease Control and Prevention

CFH Community and Family Health

CFR Code of Federal Regulations

CHP Certified Health Plan

CHT Center for Health Training

CPT Current Procedural Terminology

CSHCN Children with Special Health Care Needs

CSO Community Services Office

CVR Clinic Visit Record

CY Calendar Year

DASA Division of Alcohol and Substance Abuse

DCFH Division of Community and Family Health

DES Diethylstilbestrol

DOH Department of Health

DHHS Department of Health and Human Services (Federal)

DMPA Depo Medroxy Progesterone Acetate (aka, Depo Provera)

DSHS Department of Social and Health Services (Washington)

EC Emergency Contraception

ECP Emergency Contraception Pill

EPSDT Early Periodic Screening, Diagnosis, and Treatment

FP Family Planning

FPAR Family Planning Annual Report

FPL Federal Poverty Level

FPRH Family Planning and Reproductive Health

FS Freestanding

FY Fiscal Year

GAAP Generally Accepted Accounting Principles

GAO General Accounting Office

HCA Health Care Authority

HD Health Department/District

HHS Health and Human Services (Department of)

HMO Health Maintenance Organization

HPDP Health Promotion and Disease Prevention (Now with CFH)

HSC Health Services Consultant

I&E Information and Education

IPP Infertility Prevention Project

LHJ Local Health Jurisdiction

MAA Medical Assistance Administration

MCH Maternal and Child Health

MIH Maternal and Infant Health

MSD Management Services Division

NANPWH National Association of Nurse Practitioners in Women's Health

NC-PH Nursing Consultant – Public Health

NFP Natural Family Planning

NFPRHA National Family Planning and Reproductive Health Association

NGA Notice of Grant Award

NICHE Northwest Institute for Community Health Educators

NP Nurse Practitioner

NPP National Priority Projects

OASH Office of Assistant Secretary of Health

OCBOA Other Comprehensive Basis of Accounting

OCM Office of Contracts Management

OFM Office of Financial Management

OFP Office of Family Planning (Federal)

OGM Office of Grants Management

OMB Office of Management and Budget (Federal)

OPA Office of Population Affairs (Federal)

OSHA Occupational Safety and Health Act (Federal)

PA Physician Assistant

PCP Primary Care Provider

PHIP Public Health Improvement Plan

PHS Public Health Service (Federal)

PHSGAM PHS Grants Administration Manual (Federal)

PHSGPS PHS Grants Policy Statement (Federal)

P.L. Public Law

POS Point-of-Service

PP Planned Parenthood

PPAOW Planned Parenthood Affiliates of Washington

PPFA Planned Parenthood Federation of America

PPO Preferred Provider Organization

PTF Provider Task Force

RCW Revised Code of Washington

R&E Revenue & Expenditure

RN Registered Nurse

RPC Regional Program Consultant (Federal)

RXFPRS Region X Family Planning Reporting System (Federal)

SF Standard Form

SFPA State Family Planning Administrators

SFS State Funded Services

STD Sexually Transmitted Diseases

STI Sexually Transmitted Infection

TX Title X

TXIX Title XIX (Medicaid)

UBP Uniform Benefits Package

UCC Uniform Commercial Code

U.S.C. United States Code

VDRL/RPR Venereal Disease Research Lab/Rapid Plasma Reagent

WAC Washington Administrative Code

WIC Women, Infants, and Children Supplemental Food Program

WIN Women-In-Need

WISHA Washington Industrial Safety and Health Act

WSCFP Washington State Council on Family Planning

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Section 1300 Source Documents

The source documents for all requirements summarized in the manual are identified in parentheses following the statement of the requirement. These documents and their abbreviations are listed in the following two sections.

There are four basic kinds of source documents: federal laws, regulations issued by federal agencies, state laws, and regulations issued by state agencies.

Federal Documents

The federal laws may be referred to as Public Law such and such, e.g., P.L. 91-572, or by the name of the act, e.g., Public Health Services Act of 1970, or by the section within an act, e.g., Title X (of the Public Health Services Act).

Regulations published by federal agencies may appear in the Code of Federal Regulations (CFR), e.g., 42 CFR 59, which relates to the Title X family planning program, or in a specific agency publication, e.g., OMB Circular A-87 or Public Health Services Grants Administration Manual.

State Documents

State laws are published in the Revised Code of Washington, and are referred to as RCWs. Interpretations of these laws are published as regulations in the Washington Administrative Code, and are referred to as WACs.

State regulations may also be published in manuals, numbered memoranda, and other documents issued by state agencies, e.g., this manual.

Order of Precedence for Federal Regulations

At times federal policies and regulations may conflict with each other. The order of precedence for the various policies and regulations is spelled out in the Notice of Grant Award from the Department of Health and Human Services to the Department of Health. The current order of precedence is as follows:

- 1. P.L. 91-572 PHS Act Section 1001 as amended.
- 2. Title 42 (Public Health) Code of Federal Regulations, Part 59, Grants for Family Planning Services.
- 3. Notice of Grant Award for Title X funds, including terms and conditions, if any.
- PHS Grants Policy Statement including addenda in effect as of the beginning of the budget period.
- 5. 45 CFR Part 74, or 45 CFR Part 92, as applicable.

Order of Preceder State Regulations		RCWs take precessources of state r	edence over WAC egulations and gu	s. WACs take pr uidelines.	recedence over o	ther
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Section 1400 Federal Documents Applicable to Family Planning Agencies

Abbreviation Document

Age Discrimination Act Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101et seq.),

which prohibits discrimination on the basis of age.

American With Disabilities Act

Americans with Disabilities Act (42 U.S.C., Section 12101 et seq.), which

prohibits discrimination on the basis of disability.

Annual Report for OPA Annual Report for Office of Population Affairs Title X Family Planning

Grantees, Forms and Instructions, USDHHS, PHS, OPA, OFP, 1998

(Also called FPAR)

CVR Manual Region X Family Planning Reporting System Instruction Manual, 2003 &

revisions.

Debarment and Suspension

A person who is suspended or debarred shall be excluded (E.O. 12549, E.O. 12689, CFR, 1989 Comp. p. 235, 31 USC 6101) from federal financial and non-financial assistance and benefits. Suspension or debarment by one agency shall have a government-wide effect.

Drug-Free Workplace Drug-Free Workplace Act of 1988 (45 CFR Part 76, Subpart F) which

requires agencies to provide a drug-free workplace.

Equal Pay The Equal Pay Act of 1963 (29 USC § 206(d)) prohibits discrimination

between employees on the basis of sex for work requiring equal skill,

effort and responsibility.

Fair Labor Standards The Fair Labor Standards Act (FLSA) sets minimum wages, overtime,

equal pay, record keeping and child labor standards for workers who are

not exempt (29 CFR 500-899).

False Claims False Claims Act (31 USC §3729 et seq.) and others (Defraud @ 18

USC § 286, False, Fictitious and Fraudulent (18 USC § 287 and 18 USC §1001, statements to a pass-through with @@ 31 USC § 3801-3812) provides that any person who knowingly makes or causes a false or fraudulent claim to be made is subject to fine and/or imprisonment.

Hatch Act Hatch Act (5 U.S.C. §§ 1501-1508, and SCF @ 151.101 et seq. 7324-

7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

NGA Notice of Grant Award for Title X.

OMB A-87 OMB Circular A-87. "Cost Principles for State, Local and Indian Tribal

Governments."

OMB A-102 OMB Circular A-102. "Grants and Cooperative Agreements with State

and Local Governments - Uniform Administrative Requirements" (all

attachments are codified).

OMB A-110 OMB Circular A-110. Uniform Administrative Requirements for "Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations." **OMB A-122** OMB Circular A-122. "Cost Principles for Non-profit Organizations." **OMB A-133** OMB Circular A-133. "Audits of State, Local Governments and Nonprofit Organizations." PHS Act of 1912 §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. a 290dd-3 and 290ee-3), as amended, relates to confidentiality of alcohol and drug abuse patient records. PHS Grants Administration Manual, a reference for Region X family **PHSGAM** planning grantees that contains federal regulations, initiatives, guidelines, policies and procedures. **PHSGPS** PHS Grants Policy Statement, USDHHS, PHS, DHHS Publication No. (OASH) 90-50.000 (Rev.) April 1, 1994. P.L. 91-572 Public Health Service Act, Section 1008 (3009-6) prohibition of abortion. P.L. 91-616 Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relates to nondiscrimination on the basis of alcohol abuse or alcoholism. P.L. 92-255 Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relates to nondiscrimination on the basis of drug abuse. P.L. 93-348 P.L. 93-348 regards the protection of human subjects involved in research, development, and related activities. P.L. 101-121 Section 1352 of P.L. 101-121, prohibits use of any federal funds to lobby Congress or any Federal agency in connection with a particular contract, grant, cooperative agreement, or loan. Section 219 of P.L. 105-277 relates to compliance with State reporting P.L. 105-277 laws. P.L. 105-78 Section 212 of P.L. 105-78 relates to funds appropriated to public health agencies that encourage family participation in the decision of minors who seek family planning services **Privacy Act** An act to make provision to protect the privacy of individuals. **Program Guidelines** "Program Guidelines for Project Grants For Family Planning Services," USDHHS, OPHS, OFP, January 2001. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § Section 504 794), prohibits discrimination on the basis of handicaps. Single Audit Act of 1984, outlines requirements regarding financial and **Single Audit Act** compliance audits. Revised in 1996. See OMB Circular A-133.

Title VI Title VI of the Civil Rights Act of 1964 (P.L. 88-352) prohibits discrimination on the basis of race, color, or national origin. Title VII Title VII of the Civil Rights Act (42 USC Chapter 21) prohibits discrimination on the basis of race, color, religion, sex, pregnancy, or national origin in all aspects of employment. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § Title IX 1685-1686), prohibits discrimination on the basis of sex. Title X Title X of the Public Health Services Act of 1970 (P.L. 91-572, Section 1001 [41 U.S.C. 300] Title 42, Subchapter LD, Part 59). 29 CFR 1910 Title 29 (Labor) Code of Federal Regulations, Part 1910, Occupational Safety & Health Standards. 42 CFR 50 Title 42 (Public Health) Code of Federal Regulations, Part 50, Policies of General Applicability. Title 42 (Public Health) Code of Federal Regulations, Part 59, Grants for 42 CFR 59 Family Planning Services. 45 CRF 5 Title 45 (Public Welfare) Code of Federal Regulations, Part 5, Freedom of Information Regulations, Part 5b - Privacy Act Regulations... Title 45 (Public Welfare) code of Federal Regulations, Part 7, Employee 45 CFR 7 Inventions. Title 45 (Public Welfare) Code of Federal Regulations, Part 16, 45 CFR 16 Procedures of the Departmental Grant Appeals Board. 45 CFR 74 Title 45 (Public Welfare) Code of Federal Regulations, Part 74, Department of Health and Human Services, Uniform administrative requirements for awards and sub-awards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and Indian tribal governments. 45 CFR 80 Title 45 (Public Welfare) Code of Federal Regulations, Part 80, Nondiscrimination under programs receiving federal assistance through the Department of Health and Human Services effectuation of Title VI of the Civil Rights Act of 1964. 45 CFR 81 Title 45 (Public Welfare) Code of Federal Regulations, Part 81, Practice and procedure for hearings under part 80 of this title. Title 45 (Public Welfare) Code of Federal Regulations, Part 84, 45 CFR 84 Nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance. 45 CFR 91 Title 45 (Public Welfare) Code of Federal Regulations, Part 91, Nondiscrimination on the basis of age in programs or activities receiving federal financial assistance.

45 CFR 92 Title 45 (Public Welfare) Code of Federal Regulations, Part 92, Uniform

administrative requirements for grants and cooperation agreements to

state and local governments.

45 CFR 93 Title 45 (Public Welfare) Code of Federal Regulations, Part 93, New

restrictions on lobbying.

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Section 1500 State Documents Applicable to Family Planning Programs

The latest versions of RCWs are available online through the World Wide

Web at: http://www.leg.wa.gov/www/rcw.html

BARS Supplemental Handbook for the Budgeting, Accounting, Reporting System,

DOH, 2002

RCW Chapter 7.70 Actions for Injuries Resulting From Health Care

RCW Chapter 7.70.050 Failure to secure informed consent – Necessary elements of proof –

Emergency situations

RCW Chapter 7.70.060 Consent form – Contents – Prima facie evidence – Failure to use

RCW Chapter 9.68A Sexual exploitation of children

RCW Chapter 9A.44 Sex offenses

RCW Chapter 9.02 Abortion (Reproductive Privacy)

RCW Chapter 9A.84 Public Disturbance

RCW Chapter 9A.50 Interference with Health Care Facilities or Providers

RCW Chapter 18.19 Counselors

RCW Chapter 18.64.011 Definitions

RCW Chapter 18.64.255 Authorized practices

RCW Chapter 18.71 Physicians

RCW Chapter 18.71A Physician Assistants

RCW Chapter 18.79 Nursing Care

RCW Chapter 18.88A Nursing Assistants

RCW Chapter 18.130 Regulation of Health Professions - Uniform Disciplinary Act

RCW Chapter 18.135 Health Care Assistants

RCW Chapter 24.03 Washington Nonprofit Corporation Act

RCW Chapter 26.28 Age of Majority

RCW Chapter 42.17 Disclosure - Campaign Finances - Lobbying - Records

RCW Chapter 43.70 Department of Health

Chapter 1

RCW Chapter 48.42	Personal Coverage	General Authority (DSHS)
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RCW Chapter 49.17 Washington industrial safety and health act

RCW Chapter 49.60 Discrimination - Human Rights Commission

RCW Chapter 69.41 Legend Drugs - Prescription Drugs

RCW Chapter 69.41.010 Definitions

RCW Chapter 69.41.050 Labeling requirements -- Penalty

RCW Chapter 70.02 Medical Records -- Health Care Information Access and Disclosure

RCW Chapter 70.02.050 Disclosure without patient's authorization

RCW Chapter 70.24 Control and Treatment of Sexually Transmitted Diseases

RCW Chapter 70.24.105 Disclosure of HIV antibody test or testing or treatment of sexually

transmitted diseases – Exchange of medical information

RCW Chapter 70.24.110 Minors – Treatment, consent, liability for payment for care

RCW Chapter 70.41.190 Medical Records of Patients – Retention and Preservation

RCW Chapter 70.125 Victims of Sexual Assault Act

RCW Chapter 70.160 Washington Clean Indoor Air Act

RCW Chapter 82.08 Retail Sales Tax

The latest versions of WACs are available online through the world wide web at: http://www/leg/wa/gov/wac

WAC 51-30	Uniform Building Code

WAC 162-22 Employment - Handicapped Persons

WAC 162-26 Public Accommodations, Disability, Discrimination

WAC 246-010 Definitions within the notifiable conditions regulations

WAC 246-100 Communicable and Certain Other Diseases

WAC 246-101 Notifiable conditions and the health care provider

WAC 246-102 Cancer Registry

WAC 246-130 Human Immunodeficiency Virus (HIV) Infection Treatment

WAC 246-338 Medical Test Site Rules

WAC 246-810 Counselors

WAC 246-826 Health Care Assistants

WAC 246-830 Practical and Registered Nurses

WAC 246-840 Practical and registered nursing

WAC 246-841 Nursing Assistants

WAC 246-856 Board of pharmacy -- General

WAC 246-883 Pharmaceutical - Sales Requiring Prescriptions

WAC 246-885 Pharmacy - Identification, Imprints, Markings and Labeling of Legend

Drugs

WAC 246-887 Pharmacy - Regulations - Implementing the Uniform Controlled

Substances Act

WAC 246-891 Pharmacy - Prophylactics

WAC 246-899 Pharmaceutical - Drug Product Substitution

WAC 246-918 Physician Assistants – Medical Quality Assurance Commission

WAC 246-919 Medical Quality Assurance Commission

WAC 284-44 Health Care Services Contractors - Agents - Contract Formats - Standards

WAC 284-46 Health Maintenance Organizations

WAC 296-20 Medical Aid Rules

WAC 296-62 General occupational health standards

WAC 296-62-08001 Blood-borne pathogens

WAC 296-823 Occupational exposure to blood-borne pathogens.

WAC 388-04 Protection of Human Research Subjects

WAC 388-15 Child Protective Services

WAC 388-502 Administration of Medical Programs - Providers

WAC 388-531-1550 Sterilization physician-related services

WAC 388-538 Managed Care

WAC 434-110 Corporation Filing Procedures and Special Fees

WAC 434-120 Charitable Solicitation, Organizations and Charitable Trusts

WAC 458-20 Excise Tax Rules

WAC 460-52A Nonprofit Organizations

DOH Policy 14.003, Fixed Asset Inventory, July 1998

Guide to Client Services Contracting, Office of Financial Management,

January 2002

Guide to Personal Service Contracting, Office of Financial Management,

January 2002

State Administrative and Accounting Manual, Office of Financial

Management, May 1999 and revisions

29 CFR 1910.1030 Bloodborne pathogens

42 CFR 59.5 What requirements must be met by a family planning project? Not provide

abortion as a method of family planning.

42 CFR 59.11 Confidentiality

45 CFR 160.164 General Administrative Requirements, Security and Privacy

50 CFR 202B Sterilization of Persons in Federally Assisted Family Planning Projects

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